

REMARKS

The present amendment is in response to the Office Action dated October 9, 2003. Claims 1-27 are now present in this case. Claims 1, 4, 5-7, 11, 12, 16, 17, 20 and 23 are amended.

The applicant wishes to express his appreciation to the Examiner and the Examiner's supervisor for a telephone conference with the applicant's attorney on January 27, 2004.

The Examiner has objected to the abstract as exceeding 150 words in length. A new abstract, meeting the requirements of MPEP 608.01(b) is enclosed herewith.

Claims 1, 4-7, 10-12, and 15-19 stand rejected under 35 U.S.C. § 101 as directed to non-statutory subject matter. As discussed with the Examiner in a telephone conference of January 27, 2004, the method recited in independent claims 1, 7 and 12 are directed to techniques for electronic communication with a service provider. These claims have been amended to more clearly recite the nature of the communication between a user and a service provider. As amended, independent claims 1, 7 and 12 are now clearly directed to statutory subject matter. Dependent claims 2-6, 10, 11 and 15-19 are also now clearly directed to statutory subject matter. The applicant kindly requests that the rejection of claims 1, 4-7, 10-12 and 15-19 under 35 U.S.C. § 101 be withdrawn.

Claims 1-18 and 20-26 stand rejected under 35 U.S.C. § 108 as unpatentable in light of the combination of an article entitled "Computer Crimes and the *Respondeat Superior* Doctrine: *Employers Beware*," by M. Ishman combined with an article entitled "For your Information" by C. Ott. The applicant kindly disagrees with the assessment of these references and their applicability to the claimed invention.

Ishman is directed to the prospect of employer liability when an employee at its workplace conducts illegal online activity (see Ishman, page 2). Examples of such illegal activities cited by Ishman include stock manipulation caused by posting false information on an Internet message board. (See Ishman, page 9.) Ishman also

discusses "cyber smearing," which is use of online capabilities to make slanderous statements.

Although the activities discussed in Ishman may be construed as selecting an entity and providing a positive or negative statement about that entity, Ishman does not teach, or even suggest, techniques whereby a user electronically communicates with a service provider and selects an entity, selects a positive rating category or a negative rating category for the user-selected entity and provides a monetary contribution to the service provider to provide a quantifiable indication of user satisfaction or dissatisfaction with the user-selected entity, as recited in claim 1.

The Office Action cites Ott as "providing a monetary payment to the service provider to alter a reputation of the user-selected entity and thereby build the reputation up or down (Ott; page 1, paragraphs 1-2, 4, 6, page 2, paragraphs 9-11, page 3, paragraphs 1-3 and 6-8)." This is not correct. Ott discloses an online expert referral system, but all monetary payments are for services provided by the "expert." Thus, the system disclosed in Ott is essentially an electronic form of advertising. Ott, on page 3, does provide for user feedback of services provided using a ranking of 1-5 stars to indicate the consumer satisfaction. However, neither Ott, nor Ishman, taken alone or in combination, suggest the invention recited in claim 1. That is, neither reference suggests a method in which a consumer electronically communicates with a service provider at a first time to "select an entity" nor do the cited references suggest user activity to "select a positive rating category or a negative rating category for the user-selected entity."

Furthermore, the combination of references cited in the Office Action do not teach or suggest a method in which a consumer provides "a monetary contribution to the service provider to provide a quantifiable indication of user satisfaction or dissatisfaction with the user-selected entity to thereby build a reputation of the user-selected entity up or down. Furthermore, the combination of references do not suggest "storing data related to the user-selected entity, a value of the monetary contribution and the user selection of the positive rating category or the negative rating category," such as recited in claim 1.

Lastly, none of the references cited in the Office Action suggest electronically communicating with the service provider at a second time different from the first time to select the entity and "retrieve stored data from the service provider related to the user-selected entity and the value of the monetary contributions and selections of the positive rating category and the negative rating category." Accordingly, claim 1 is clearly allowable over the cited references.

Claims 2-6 are also allowable in view of the fact that they depend from claim 1, and further in view of the recitation in each of those claims. For example, claim 5 is directed to the method of claim 1 wherein stored data comprises graphical data and retrieving data comprises "retrieving graphical data indicating the value of the monetary contribution and selection of the positive rating category and the negative rating category." The combination of references cited in the Office Action do not suggest a graphical approach to the storage of data relating to monetary contributions and selection of positive and negative rating categories. Ott provides only the possibility of 1-5 stars to provide user feedback of a particular service. Ishman does not even suggest any rating technique and Ott does not teach or suggest monetary payments to indicate ratings nor graphical data indicating a selection of a positive rating or a negative rating.

Claim 7 is a method claim for electronically communicating with a service provider at a first time to select an entity and to "select a positive rating category or a negative rating category for the user-selected entity." Claim 7 further recites *inter alia* a technique to "provide a monetary payment to the service provider for the user-selected rating category to thereby build the reputation of the user-selected entity up or down." Claim 7 further recites storing data related to "the user-selected entity, a value of the monetary payment and the user decision to build the reputation of the user-selected entity up or down." As discussed above, the references cited in the Office Action do not teach or suggest a selection of positive or negative rating categories for user-selected entity nor do any of the references suggest providing a monetary payment to a service provider for the user-selected rating category (*i.e.*, the positive rating category or the negative rating category), as recited in claim 7. At best, Ott provides a 1-5 star

feedback rating, but does not suggest positive or negative rating categories nor the payment of money to the service provider to accompany the user-selected rating category. It should be noted that all payments discussed in Ott are payments for the services provided by the user-selected entity. Payment information described in Ott is information regarding the rates which experts provide for their services (*i.e.*, an expert may charge a flat rate or charge an hourly fee). There is no teaching or suggestion of payment to the service provider for the purpose of rating the user-selected entity, as recited in claim 7. Accordingly, claim 7 is clearly allowable over the cited references. Claims 8-11 are also allowable in view of the fact that they depend from claim 7, and further in view of the recitation in each of those claims.

Claim 12 is a method claim in which a plurality of consumers provide monetary commentary regarding an entity. Claim 12 recites "electronically communicating with a plurality of consumers to identify an entity" as well as "accepting a monetary payment from each of the plurality of consumers to alter the reputation of the identified entity." Claim 12 further recites "accepting data from each of the plurality of consumers indicating the respective selection of each of the consumers of a positive rating category or a negative rating category for the identified entity and storing data related to the identified entity, a value of the monetary payments and consumer selections of the rating category."

The references cited in the Office Action do not teach or suggest any technique for electronically communicating with a plurality of consumers or accepting monetary payments from the consumers to alter a reputation of an identified entity based on a selection by the consumers of a positive rating category or a negative rating category for the identified entity. Furthermore, none of the references cited in the Office Action, taken alone or in combination, suggest storing data related to an identified entity a value of monetary payments and consumer selections of the rating category, as recited in claim 12. At best, Ott permits rating of consumer satisfaction using a 1-5 star rating system. However, this technique does not suggest consumer selections of positive or negative rating categories nor does anything in Ott suggest accepting payments as a basis for altering the reputation of an entity in conjunction with the

selection of a rating category. As noted above, payments described in Ott are for services rendered and are not consumer payments based on satisfaction or dissatisfaction of a user-selected entity. Nothing in Ott or Ishman, taken alone or in combination, suggests storing data indicting a value of monetary payments and selections of rating categories for a user-selected entity. Accordingly, claim 12 is clearly allowable over the cited references. Claims 13-19 are also allowable in view of the fact that they depend from claim 12, and further in view of the recitation in each of those claims.

Claim 20 a system claim that allows a user, operating a user computer coupled to a computer network for consumer reporting. Claim 20 recites *inter alia* "a server, coupled to the network the communicate with the user computer, the user computer communicating with the server at a first time to permit user selection of an entity, to permit user selection of a positive rating category or a negative rating category for the user-selected entity, and to permit a monetary payment from the user to a service provider to thereby build the reputation of the user-selected entity up or down." Claim 20 further recites "a data structure associated with the server to store data related to the user-selected entity, a value of the monetary payment and the user selection of the rating category."

Neither Ishman nor Ott provide any details of structures to support the described techniques. However, even if *arguendo*, the systems described in the cited references implement a client-server computer architecture, there is no suggestion in any of the references, taken alone or in combination, that suggests a user computer communicating with a server to permit the selection of an entity and the user selection of a positive rating category or a negative rating category for the user-selected entity. Furthermore, none of the references suggest a technique by which a computer server permits a monetary payment from the user to a service provider to thereby build the reputation of the user-selected entity up or down, as recited in claim 20. In addition, the references cited in the Office Action do not teach or suggest a data structure associated with the server to store data related to the user-selected entity, a value of the monetary payment, and the user selection of the rating category, as recited in claim 20. As noted

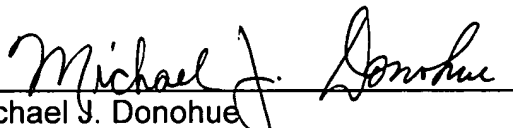
repeatedly above, Ott does not teach or suggest payment to a service provider to be used in conjunction with the user selection of the rating category to build the reputation of the user-selected entity up or down. All payments in Ott are for services provided to the user and are totally unrelated to any user satisfaction or dissatisfaction with the user-selected entity. Accordingly, claim 20 is clearly allowable over the cited references. Claims 21-27 are also allowable in view of the fact that they depend from claim 20, and further in view of the recitation in each of those claims.

In view of the above amendments and remarks, reconsideration of the subject application and its allowance are kindly requested. If questions remain regarding the present application, the Examiner is invited to contact the undersigned at (206) 628-7640.

Respectfully submitted,

Anil K. Goyal

Davis Wright Tremaine LLP


Michael J. Donohue
Registration No. 35,859

MJD:gatc

2600 Century Square
1501 Fourth Avenue
Seattle, Washington 98101-1688
Phone: (206) 622-3150
Fax: (206) 628-7699

1420905_1.DOC 52886-9